



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 6113-99

20 December 1999

[REDACTED]

Dear Mr. Mealhouse:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 17 August 1981 for four years at age 17. The record reflects that you completed recruit training and graduated from basic submarine school in December 1981.

You were advanced to SN (E-3), qualified in submarines, and served for 26 months without incident. However, during the five month period from September 1983 to February 1984 you received three nonjudicial punishments (NJP). Your offenses consisted of four brief periods of unauthorized absence (UA), three instances of absence from your appointed place of duty, sleeping on watch, making personal long distance phone calls and charging them to government telephone accounts, unauthorized use of a government vehicle, and disobedience of a general regulation. During this period, a substance abuse report was submitted showing that you abused alcohol 4-7 times a week and had been assigned to the Naval Alcohol Safety Action Program. You completed that program

in November 1983. You were diagnosed with a mixed personality disorder and probable alcohol dependence on 23 December 1983. After your second NJP, you were counseled regarding your misconduct and warned that further misconduct could result in separation under other than honorable conditions.

On 6 March 1984 you were notified that you were being considered for discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. You were advised of your procedural rights and waived your right to representation by counsel and presentation of your case to an administrative discharge board (ADB).

On 13 March 1984 you received your fourth NJP for four brief periods of UA. Thereafter, the commanding officer recommended that you be discharged under other than honorable conditions by reason of misconduct due to a pattern of misconduct. On 27 March 1984, the Commander, Naval Military Personnel Command approved the recommendation and directed discharge under other than honorable conditions. You were so discharged on 6 April 1984.

On 24 November 1987, the Naval Discharge Review Board (NDRB) denied your request for recharacterization of your discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been more than 15 years since you were discharged. The Board noted your contention to the effect that the commanding officer and executive officer told you that you should not marry your wife as she was only after your military pay. You assert that you "told them off" and that you have been married to that woman for 16 years. The Board concluded that the foregoing factors and contentions were insufficient to warrant recharacterization of your discharge given your record of four NJPs for fourteen separate offenses. The Board noted the aggravating factor that you waived an ADB, the one opportunity you had to show why you should be retained or discharged under honorable conditions. The Board could not understand the relevance of your contentions with regard to the misconduct which led to your discharge. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board.

In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director